REMARKS/ARGUMENTS

Claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bearden et al. (U.S. 2003/0086425) (hereinafter Bearden) and in further view of Montoyama. (U.S. 2003/0055952) (hereinafter Montoyama). Applicants respectfully traverse this rejection for at least the reasons stated below.

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).   Applicants respectfully submit, as will be detailed below, that neither Bearden nor Montoyama do not, either expressly or inherently, teach or suggest various limitations recited in the pending claims.

For example, claim 1 discloses a method of managing one or more local resource properties, each having a value, by one or more managed network devices in a network comprising a network management system and a central data store, the method comprising the steps of:

(a)   monitoring the value of said one or more local resource properties;

(b)   generating a learning event report comprising the value of at least one of the one or more local resource properties; and

(c)   transmitting the learning event report to the central data store;

wherein the value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing.

As stated in the previous amendment, ***Applicant does not believe that Bearden discloses asynchronous processing as described in claims 1, 14 and 21 of the instant application, for example***, at least in paragraph 34:

> [0034] The learning even report is preferably transmitted automatically without necessarily being initiated at or prompted by the NMS 202 associated with the LRPs. Upon receipt of a learning event report, the LRPs are written to or otherwise recorded at the central data store where the report is made available at to the NMS and any authorized network administration personnel, for example. The NMS may therefore

134101
Page 8

retrieve the state, value, or quality of any of the one or more LRPs of the one or more MNDs as needed. Since the upload of the LRPs by the one or more MNDs is independent of the retrieval by the NMS, the management system of the present invention may be termed an asynchronous management system.

As stated in the previous Response, Applicant reserves the right to rescind such an amendment if the portions of the Bearden application that were used to reject every limitation of every claim of the instant application were not present in the Bearden U.S. Provisional Patent Application Ser. No. 60/329,569.

Bearden does not teach in paragraph [0207] "wherein the value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing". Paragraph [0207] states "An example way to collect network utilization measurements is by polling switching devices in the network using SNMP. Other ways are telnet/CLI or LDAP. The network device monitoring component 320 of the illustrative embodiment of the present invention shown in FIG. 4 accesses the network topology data stored in the data store by the network discovery phase to obtain the list of switching devices to monitor. In this section the term device refers to a switching device. Data collection on these devices in the network involves SNMP MIBs that are indicative of traffic and utilization. More specifically, device monitoring component 320 polls SNMP agents on discovered devices to collect values for two types of MIB variables. The first type is device-specific MIB variables that pertain to the overall device, such as the total number of input packets received on all interfaces. The second type is interface specific pertaining to an individual interface, such as the total number of octets received on an interface." Applicant would respectfully ask that the Examiner point to the language in the above-mentioned paragraph that states the claim language "wherein the value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing." There is no reference to asynchronous processing. In addition, Applicant respectfully requests that the examiner provide proof that paragraph [0207] was in the first 15 pages of the provisional application as mentioned above. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the

legal conclusion of obviousness." (In re Kahn, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in KSR). Beardon as shown in the paragraph as set forth above does not contain the claim elements as set forth in Applicants' claim. Thus, Applicants' claims are patentably distinct under 37 CFR 1.111(b). Applicants' claims are allowable.

Moreover, the Examiner states that Bearden does not teach that "the values of the resource properties are uploaded by the managed devices "independent of their retrieval by the network management system." The Examiner goes on to states that this is disclosed in Montoyama. However, this not disclosed in Montoyama as Applicants will clearly show. First, Montoyama teaches an entirely different invention, the abstract states "In a monitoring system for networked devices, a system, method, and computer program product for transferring monitoring information from a remote monitor to a central monitor responsible for monitoring devices on multiple networks. A communications link is established between a remote monitor and a message transfer server. Monitoring information is formatted into a standard format, encrypted, encoded, and sent from the remote monitor to the central monitor as an attachment to *an e-mail sent via the communication link to the message transfer server.*" Montoyama teaches an email system and remote monitoring via email attachments. "In the instant case, we conclude that a person of ordinary skill in the art having common sense at the time of the invention would not have reasonably looked to _____ to solve a problem already solved by Applicant." Ex Parte Rinkevich et al, Appeal 20071317, decided May 29, 2007. Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole." W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

In fact, Montoyama teaches the opposite, paragraph [0098] as cited by the Examiner states, "The first type of information may include, for example, certain status information that may change states more frequently than information is reported to the central monitoring workstation. A second type of information may include a different class of status information, for example, a counter, a level indicator, or a configuration setting of a monitored device. For this second type of information, interim values between reporting periods are not of interest. *As*

would be understood, it is quite possible that, depending on the frequency with which information is sent to the central monitoring workstation 945, status information corresponding to the first type of information, for example, an error condition, could have been corrected between transmissions to the central monitoring workstation 945. For that reason, it is helpful to store the first type of information, so that when information is sent to the central monitoring workstation 945, it can be reported that, in this example, a particular error condition, while not necessarily still present, had occurred since the last time information was sent. Accordingly, when the information, including both the first type and the second type of information, *is sent to the central monitoring workstation 945, the first type of information stored in the database 913 is queried from the database 913 and sent along with the most recent information.* Then, those values in the database 913 are reset to clear any information that had been stored leading up to the transmission to the central monitoring workstation 945." Thus, in this case, Montoyama's central monitoring workstation is Applicants' network management system. Montoyama is saying the opposite of what Applicants state in their claims.

However, purely in the interest of expediting the prosecution of the instant invention, Applicants have amended claims 1, 14 and 21 to substantially include the following limitations: transmitting the learning event report to the central data store; wherein the value of at least one of the one or more local resource properties is recorded at the central data store and made available to the network management system for asynchronous processing, wherein the value of at least one of the one or more local resource properties is uploaded by the one or more managed network devices, via a local resource manager, independent of retrieval of the value by the network management system.

Support for such limitations can be found at least in paragraphs [0025] and [0056] of the instant invention. Neither Beardon nor Montoyama teach or suggest such limitations. As such, Applicants believe that claims 1, 14 and 21 as well as the claims that depend from claims 1, 14 and 21, are in condition for allowance and respectfully request they be passed to allowance. In light of the arguments set forth below, Applicant traverses each and every claim, depending from claims 1, 14 and 21.

As such, Applicant believes that the independent claims, as well as the claims that depend on them are in condition for allowance. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

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